

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT
THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 31762 OF 2022

Between:

Sana Venkateswarulu, S/o. S. Ramanaiah, aged about 44 years, Occ . Owner of the Vehicle Bearing No. AP-03-TE-6727, R/o. D.No. 8-119, Sreeramulupeta, Proddatur Mandal, Y.S.R. Kadapa District

...Petitioner

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Civil Supplies Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Joint Collector, Ananthapur, Ananthapur District.
3. The Tahsildar, Tadipatri Mandal, Ananthapur District.
4. The Station House Officer, Tadipatri Rural Police Station, Ananthapur District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd Respondent in issuing the Interim Disposal Order dated. 23-05-2022 Vide Rc.No. K3/251/2022 in directing the Petitioner to produce Bank Guarantee for Rs.01,00,000/- being the reported value of seized vehicle bearing No. AP03-TE-6727 i.e., Rs. 01,00,000/- along with an undertaking that he shall not alienate the seized vehicle pending finalization of 6A Proceedings and he shall produce the seized vehicle as and when required by the 2nd respondent is as illegal, improper arbitrary and without any power of authority under law and violation of Article 19(1)(g) of the Constitution of India.

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th respondent to release the seized vehicle bearing No. AP03-TE-6727 of the Petitioner as per the Interim Disposal Order Dated . 23-05-2022 vide Rc.No. K3/251/2022 an amount of Rs.01,00,000/- by furnishing Third Party Security, pending disposal of the above writ petition.

Counsel for the Petitioner: M/s POPURI LAKSHMI PRIYANVITA

Counsel for the Respondent No.s 1 to 3: GP FOR CIVIL SUPPLIES
Counsel for the Respondent No.4: GP FOR HOME

The Court made the following: Order

THE HON'BLE SRI JUSTICE BATTU DEVANAND**WRIT PETITION NO.31762 of 2022****ORDER:**

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and perused the material available on record.

2) Having heard the respective counsel and upon perusal of the material available on record, it is an admitted fact that subsequent to the seizure of the rice and vehicle, a proceedings under Section 6A are initiated before the 2nd Respondent, who is the competent authority. The illegality and validity of the seizure has to be decided by the 2nd Respondent in 6A proceedings.

3) However, considering the facts and circumstances of the case and in the light of the latest order passed by a Division Bench of this Court in **Onteru Bhaskar vs. State of Andhra Pradesh, represented by its Principal Secretary, Civil Supplies Department and others**¹ in our considered opinion, it is appropriate and reasonable to direct the 2nd Respondent to release the seized vehicle in favour of the

¹ 2022 SCC OnLine AP 348

petitioner on imposing certain condition, to protect the interest of the Respondents, pending disposal of the 6A proceedings.

4) Accordingly, the writ petition is disposed of with the following directions:

(i) The interim disposal order in Rc.No.K3/251/2022, dated 23.05.2022, issued by the 2nd Respondent is hereby set aside.

(ii) The Respondents shall release the lorry bearing No.AP03TE6727 seized pursuant to the panchanama, dated 30.03.2022, in favour of the petitioner on condition of furnishing personal or third party immovable security property equivalent to the value of the seized stock in the said vehicle, within a period of two (02) weeks from the date of receipt of a copy of this order.

5) There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

Sd/- B.CHITTI JOSEPH
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Civil Supplies Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Joint Collector, Ananthapur, Ananthapur District.
3. The Tahsildar, Tadipatri Mandal, Ananthapur District.
4. The Station House Officer, Tadipatri Rural Police Station, Ananthapur District.
5. One CC to M/s Popuri Lakshmi Priyanvita, Advocate [OPUC]
6. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
8. Two CD Copies

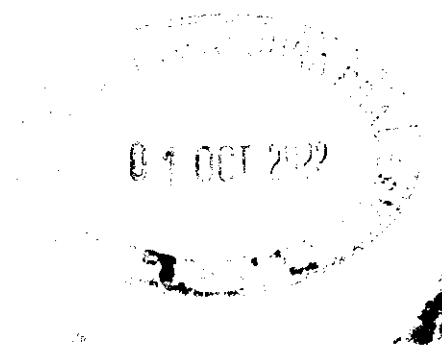
RAM
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HIGH COURT

DATED:27/09/2022

ORDER

WP.No.31762 of 2022



**DISPOSING OF THE WP
WITHOUT COSTS**

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1/10/22
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